

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

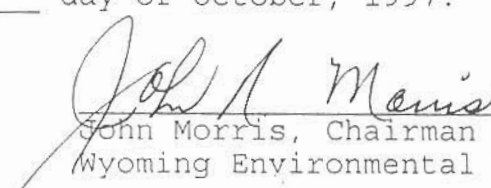
IN THE MATTER OF THE ADDITION OF)
PROPOSED SECTION 35, MUNICIPAL SOLID) STATEMENT OF
WASTE LANDFILLS, TO THE WYOMING AIR) PRINCIPAL REASONS
QUALITY STANDARDS AND REGULATIONS) FOR ADOPTION

1. Addition of proposed Section 35, Municipal Solid Waste Landfills, to the Wyoming Air Quality Standards and Regulations (WAQSR) is in the best interest of the State of Wyoming since it is necessary to comply with federal requirements and will help insure the continued protection of Wyoming's air quality resources. The agreement between the Air Quality Division and the Solid and Hazardous Waste Division (SHWD) to allow the SHWD to administer Section 35 will help minimize the impact of the rule on the municipalities, since the SHWD already has the primary responsibility for regulating landfills in Wyoming.
2. Section 35-11-202(a) of the Environmental Quality Act states that the Administrator, after consultation with the Advisory Board, shall recommend to the Director such ambient air standards and regulations that may be necessary to prevent, abate, or control pollution.

Section 35-11-202(b) of the Act states that in recommending such standards the Administrator shall consider all facts and circumstances bearing upon the reasonableness of the emissions involved including:

- (A) The character and degree of injury to, or interference with the health and physical well being of the people, animals, wildlife and plant life;
 - (B) The social and economic value of the source of pollution;
 - (C) The priority of location in the area involved;
 - (D) The technical practicability and economic reasonableness of reducing or eliminating the pollution; and
 - (E) The social welfare and aesthetic value.
3. The proposed new regulations meet the minimum requirements of 40 C.F.R. Part 60, Subparts B and Cc, which were promulgated by the Environmental Protection Agency pursuant to Section 111(d) of the Clean Air Act, as amended, 42 U.S.C. § 7411(d). The proposed addition to the WAQSR is intended to regulate the emission of non-methane organic compounds from existing municipal solid waste landfills that have a design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters. Proposed Section 35 is consistent with, and no more stringent than, federal requirements.
 4. The proposed Section 35 will enhance the ability of the State of Wyoming to control emissions from large, existing landfills. Adoption of Section 35 will not cause any additional economic hardship to the municipalities subject to the rule since regardless of whether Wyoming adopts this regulation, sources must comply with the federal requirements for municipal solid waste landfills.
 5. Adoption of Section 35 to the WAQSR should insure that EPA authorizes the State of Wyoming, Department of Environmental Quality to implement Section 35 for existing municipal solid waste landfills.

Dated this 13th day of October, 1997.



John Morris, Chairman
Wyoming Environmental Quality Council